

# REGULATORY FOCUS BULLETIN

FILE TOPIC: Survey Protocol

Can surveyors inspect any resident's record and have copies of those records when the resident resides in a certified Medicare and/or Medicaid bed (disregard payment source)?

Yes. According to §489.53 CMS may terminate the agreement with any provider if it finds the provider refuses to permit photocopying of any records or other information by, or on behalf of CMS, as necessary to determine or verify compliance with participation requirements.

<http://ecfr.gpoaccess.gov>

Can surveyors inspect any resident's record and have copies of those records when the resident resides in a licensed only nursing home bed?

Yes, according to § 131E-105 (b) representatives of the Department may review any writing or other record in any recording medium which pertains to the admission, discharge, medication, treatment, medical condition, or history of persons who are or have been residents of the facility being inspected unless that patient objects in writing to review of that resident's records.

[www.ncga.state.nc.us/gascripts/Statutes/Statutes.asp](http://www.ncga.state.nc.us/gascripts/Statutes/Statutes.asp)